

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM R.ELDRIDGE,
NEW REALTY, INC.,

Plaintiff,

v.

Civil No. 08-12084
Hon. John Feikens
Magistrate Judge R. Steven Whalen

TITLE ONE INSURANCE CORP.,

Defendant,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.,

Garnishee-Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

I have before me, Magistrate Judge R. Steven Whalen's Report and Recommendation (Docket No. 21, "Report") on Cross Motions for Summary Judgment filed by Plaintiff William R. Eldridge, New Realty, Inc. ("New Realty") and Garnishee-Defendant National Union Fire Insurance Company of Pittsburgh, PA ("National Union"). In his Report, Magistrate Judge Whalen recommends that I grant National Union's Motion for Summary Judgment and deny New Realty's Motion for Summary Judgment. New Realty timely filed objections and National Union filed a Response. Having considered the arguments submitted by the parties, I find that Magistrate Judge Whalen has thoroughly and correctly analyzed the issues and I agree with his recommendation. For these reasons, I **OVERRULE** New Realty's objections, **ADOPT** Magistrate Judge Whalen's Report, **DENY** New Realty's Motion for Summary Judgment and

GRANT National Union's Motion for Summary Judgment.

IT IS SO ORDERED.

Date: September 30, 2009

/s John Feikens
John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on September 30, 2009, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager